

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
DOCKETING STATEMENT--CRIMINAL CASES**

Directions: Counsel must make a **docketing statement (criminal)** entry in CM/ECF within 14 days of filing a notice of appeal or cross appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form and any extended answers and (2) any transcript order form. Counsel who filed the notice of appeal is responsible for filing the docketing statement even if different counsel will handle the appeal. In criminal cases, counsel who represented the defendant below must continue on appeal unless the court of appeals grants a motion to withdraw. Appellants proceeding pro se are not required to file a docketing statement. Opposing counsel may file objections to the docketing statement within 10 days of service using the ECF event-**docketing statement objection/correction**.

| | |
|--------------------------------------|--|
| Appeal No. & Caption | 23-4705 United States v. Carlos Alston |
| Originating No. & Caption | 5:23-CR-21-FL United States v. Carlos Alston |
| District Court & Judge | EDNC - Honorable Louise Wood Flanagan, U.S. District Judge |

| | | |
|---|---------------------------|-------------------------------------|
| Jurisdiction (answer any that apply) | | |
| Date of entry of order/judgment appealed from | 10/24/2023 | |
| Date this notice of appeal filed | 11/20/2023 | |
| If cross appeal, date first notice of appeal filed | | |
| Date of filing any post-judgment motion | | |
| Date order entered disposing of any post-judgment motion | | |
| Date of filing any motion to extend appeal period | | |
| Time for filing appeal extended to | | |
| Is appeal from final order or judgment? | <input type="radio"/> Yes | <input checked="" type="radio"/> No |
| If appeal is not from final judgment, why is order appealable? The United States appeals the district court's order dismissing a count of the pending indictment pursuant to 18 U.S.C. § 3731. | | |

Transcript – Order all necessary transcript now. Extensions of the briefing schedule to order additional transcript are disfavored

(Identify necessary transcript dates and state whether the transcript is on file or a copy of the transcript order is attached.).

| | | | | |
|----------------|--|---|---|--|
| Trial Date(s): | | <input type="radio"/> On Order or On File | <input type="radio"/> Order Attached | <input checked="" type="radio"/> Not Needed |
| Plea Date: | | <input type="radio"/> On Order or On File | <input type="radio"/> Order Attached | <input checked="" type="radio"/> Not Needed |
| Sentence Date: | | <input type="radio"/> On Order or On File | <input type="radio"/> Order Attached | <input checked="" type="radio"/> Not Needed |
| Other Date(s): | 06/29/2023 (Motion to Dismiss hearing) | <input checked="" type="radio"/> On Order or On File | <input type="radio"/> Order Attached | <input type="radio"/> Not Needed |

Case Handling Requirements (answer any that apply)

| | | |
|---|--|-------------------------------------|
| Case number of any prior appeal in same case | | |
| Case number of any pending appeal in same case | | |
| Identification of any case pending in this Court or Supreme Court raising similar issue | See Attachment A. If abeyance or consolidation is warranted, counsel must file an appropriate motion. | |
| Is expedited disposition necessary? | <input type="radio"/> Yes | <input checked="" type="radio"/> No |
| If yes, motion to expedite must be filed. | | |

Issues (Non-binding statement of issues to raise on appeal. Attach additional page if necessary.)

Whether 18 U.S.C. 922(g)(3), which prohibits the possession of firearms by a person who “is an unlawful user of or addicted to any controlled substance,” violates the Second Amendment.

| Appellant's Name & Address | Counsel's Name & Address |
|--|--|
| Name: Unites States of America Address: United States Attorney's Office 150 Fayetteville Street, Suite 2100 Raleigh, NC 27601 E-Mail: usance.ecfappeals@usdoj.gov Phone: (919) 856-4530 | Name: David A. Bragdon Address: United States Attorney's Office 150 Fayetteville Street, Suite 2100 Raleigh, NC 27601 E-Mail: usance.ecfappeals@usdoj.gov Phone: (919) 856-4530 |

| |
|---|
| Signature: <u>/s/ David A. Bragdon</u> Date: <u>12/4/2023</u> |
| Counsel for: <u>United States</u> |

| | |
|---|-------|
| Certificate of Service <i>(required for parties served outside CM/ECF):</i> I certify that this document was served on _____ by <input type="checkbox"/> personal delivery; <input type="checkbox"/> mail; <input type="checkbox"/> third-party commercial carrier; or <input type="checkbox"/> email (with written consent) on the following persons at the addresses or email addresses shown: | |
| | |
| Signature: | Date: |

[Print to PDF for Filing](#)
[Reset Form](#)